

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 995 Session of 2009

INTRODUCED BY GILLESPIE, CREIGHTON, EVERETT, FLECK, GINGRICH, GROVE, HALUSKA, KORTZ, KOTIK, MILLER, MOUL, PAYNE, ROAE, SIPTROTH, VULAKOVICH AND YOUNGBLOOD, MARCH 18, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 18, 2009

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," further providing for penalties and for fines,
12 civil penalties and fees; and making editorial changes.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definitions of "delegated agency,"
16 "department," "official plan" and "secretary" in section 2 of
17 the act of January 24, 1966 (1965 P.L.1535, No.537), known as
18 the Pennsylvania Sewage Facilities Act, amended December 14,
19 1994 (P.L.1250, No.149), are amended to read:

20 Section 2. Definitions.--As used in this act:

21 * * *

22 "Delegated agency" means a municipality, local agency,

1 multimunicipal local agency or county or joint county department
2 of health to which the Department of Environmental [Resources]
3 Protection has delegated the authority to review and approve
4 subdivisions for new land developments as supplements to the
5 official plan of a municipality in which the subdivision is
6 located.

7 "Department" means the Department of Environmental
8 [Resources] Protection of the Commonwealth [of Pennsylvania].

9 * * *

10 "Official plan" means a comprehensive plan for the provision
11 of adequate sewage systems adopted by a municipality or
12 municipalities possessing authority or jurisdiction over the
13 provision of such systems and submitted to and approved by the
14 State Department of Environmental [Resources] Protection as
15 provided herein.

16 * * *

17 "Secretary" means the Secretary of Environmental [Resources]
18 Protection of the Commonwealth [of Pennsylvania].

19 * * *

20 Section 2. Section 13 of the act, amended December 14, 1994
21 (P.L.1250, No.149), is amended to read:

22 Section 13. Penalties.--[Any] (a) Except as otherwise
23 provided under subsection (b), any person who shall violate any
24 provision of this act or the rules, regulations or standards
25 promulgated pursuant to this act or who is the owner of a
26 property on which a condition exists which constitutes a
27 nuisance under this act or who resists or interferes with any
28 officer, agent or employe of a local agency or the department,
29 in accordance with the provisions of this act, in the
30 performance of his duties, shall be guilty of a summary offense.

1 Upon conviction thereof, such person shall be sentenced to pay a
2 fine of not less than five hundred dollars (\$500) nor more than
3 five thousand dollars (\$5,000), plus costs, or to imprisonment
4 not to exceed ninety days, or both.

5 (b) This section shall apply to a sewage enforcement officer
6 only when that officer is the owner of the property on which a
7 condition exists which constitutes a nuisance under this act.
8 Any action taken by the department against a sewage enforcement
9 officer under this act must be initiated with the State Board
10 for Certification of Sewage Enforcement Officers and the
11 department shall have the burden of proving the violation.

12 Section 3. Section 13.1 of the act is amended by adding a
13 subsection to read:

14 Section 13.1. Fines, Civil Penalties and Fees.--* * *

15 (a.1) Subsection (a) shall apply to a sewage enforcement
16 officer only when that officer is the owner of the property on
17 which a condition exists which constitutes a nuisance under this
18 act. Any action taken by the department against a sewage
19 enforcement officer under this act must be initiated with the
20 State Board for Certification of Sewage Enforcement Officers and
21 the department shall have the burden of proving the violation.

22 * * *

23 Section 4. This act shall take effect in 60 days.